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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,245	11/14/2001	Emmanuel Dotaro	Q67154	6834
23373	7590	06/01/2005	EXAMINER PHAN, HANH	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			ART UNIT 2633	PAPER NUMBER

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



### DETAILED ACTION

1. This Office Action is responsive to the Amendment filed 01/04/2005.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Ge et al (US Patent No. 6,819,870).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, referring to Figure 1, Ge et al discloses a photonic switching device for switching without contention data in the form of optical packets, the device including a space switching matrix (i.e., optical switching matrix 120, Fig. 1) with a plurality of input ports (105, Fig. 1) and a plurality of output ports (i.e., output ports from

optical buffers 135, Fig. 1) and a unit external (i.e., optical buffers 135, Fig. 1) to the space switching matrix (120) including a buffer memory common to all the output ports of the matrix, wherein each of the output ports provides access to the buffer memory via a space switching stage (130, Fig. 1) consisting of switches having a 1-to-2 switching function (see col. 9, lines 49-67 and col. 10, lines 1-14).

Regarding claims 2 and 5, Ge further teaches the buffer memory consists of optical delay lines or the buffer memory is an electronic buffer memory (i.e., the buffer memory 135 consists of optical delay lines 140, Fig. 1).

Regarding claims 3 and 4, Ge further teaches the 1-to-2 space switching function of each of the output ports of the matrix is implemented by means of optical amplifier switches or the 1-to-2 space switching function of each of the output ports of the matrix is implemented by means of an opto-electronic switch including a photodiode optical receiver and a light-emitting diode or laser diode optical emitter (col. 10, lines 6-9).

#### ***Allowable Subject Matter***

4. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.



**HANH PHAN**  
**PRIMARY EXAMINER**